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In re Application of :
FIORI, Gerolamo :
Application No.: 10/531,923 : DECISION ON
PCT No.: PCT/IB03/04607 :
Int. Filing Date: 20 October 2003 : REQUEST
Priority Date: 21 October 2002 :
Attorney's Docket No.: 242/9-2075 : UNDER 37 CFR 1.42
For: DEVICE AND METHOD ... CHOCOLATE :
SHELL MOULDING :
:

This decision is in response to applicant's renewed request under 37 CFR 1.42 filed in the United States Patent and Trademark Office on 14 August 2006.

BACKGROUND

On 07 July 2006, the Office mailed Decision On Request Under 37 CFR 1.42, dismissing applicant's request for status under 37 CFR 1.42.

On 14 August 2006, applicant submitted a renewed request for status under 37 CFR 1.42, accompanied by a new declaration.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

Applicant has supplied a declaration executed by the "sole heirs" of deceased inventor Fiori. A declaration signed by the "sole" heirs is construed as a statement that a legal representative has not been appointed, nor is one required to be appointed under applicable law and that the authority of the heirs corresponds to that of a legal representative. If this is not correct, the Office must be notified immediately.

The declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further action consistent with this decision. The application has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 14 August 2006.

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